



PTO/SB/29 (10-00)

OMB 0651-0032

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000
provides for continued examination of an utility or plant application
filed on or after June 8, 1995
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/488,500
Filing Date	August 5, 2004
First Named Inventor	Klaus M. Irion
Group Art Unit	3764
Examiner Name	Fenn C. Mathew
Attorney Docket Number	02581-P0204A

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); interim Rule 65 Red. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103© for
a period of _____ months. (Period of suspension shall be exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayment to
Deposit Account No. 19-4516.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any Fee Deficiency
- b. ☐ Check in the amount of \$*.00 is enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Todd M. Oberdick	Registration No (Attorney/Agent)	44,268
Signature	<i>Todd M. Oberdick</i>	Date	August 5, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE; Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: August 5, 2004.

Name (Print / Type)	Tamara L. Millikan	Date	August 5, 2004
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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PATENT
02581-P0204A WWW/TMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Klaus M. Irion	
Serial No.: 09/488,500	Conf. No.: 4514	Filing Date: January 20, 2000
Title of Application:	Endoscopic Instrument For Performing Endoscopic Procedures	
Group Art Unit: 3764	Examiner: Mathew, Fenn C.	

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P.O. Box 1450
Alexandria, VA 22313-1450

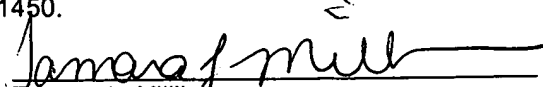
PRELIMINARY AMENDMENT ACCOMPANYING RCE

Dear Sir:

This Preliminary Amendment is being filed in conjunction with a Request for Continued Examination and is in response to the outstanding Final Office Action mailed February 11, 2004. Enclosed herewith is a Request for a one-month extension of time to respond to the afore-mentioned outstanding Final Office Action as well as the appropriate fee. Applicant respectfully submits that the

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August 5, 2004


Tamara L. Millikan

Period for reply should expire on the mailing date of the Advisory Action, because the Response to the Final Office Action was filed within 2 months of the mailing of the Final Office Action. The Final Office Action was mailed February 11, 2004, and the Response was filed on April 12, 2004 (the first business day following April 11, 2004, which was a Sunday). Thus, this RCE and Preliminary Amendment is timely filed on or before August 6, 2004 (one month from the mailing date of the Advisory Action) with a one-month extension. Applicant believes that no further fee is due in connection with the filing of this Response. However, if any further fee is due please charge Deposit Account No. 19-4516.